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Mr. President, Mr. Vice-President, Mr. Dean, ladies and gentlemen. May I begin first of all on a purely personal note? I'm extremely delighted to be here together with my wife. From the second we arrived on the campus of Notre Dame, I've been conscious of a warmth and friendship which have been very moving indeed, and of which both of us are extremely appreciative. Thank you very much.

Dr. George Keeton

There are some occasions, I think, and some encounters in one's life which one immediately recognizes as having a significance. Certainly the occasion when I first met the distinguished Dean of your Law School, almost exactly one year ago, was one such occasion and I would probably say the outstanding in the whole of my career at University College London. It was not only that I recognized with a great deal of delight a congenial and vigorous personality, but of equal importance was the fact that we wanted the same things and we wanted to achieve them with the minimum of delay. I doubt whether in the whole history of English university law schools so much has been achieved in so short a time with fewer difficulties.

With the exception of the law schools of London, Oxford and Cambridge, the English law schools are really the product of the present century, and, in their present range of activities, they are really the product of the last quarter of a century. The five law schools of the London colleges are a little older, or at least some of them are. Our own was founded in 1826 at the same time University College was created. Indeed, we were the first law school, outside of Oxford and Cambridge, as far as England was concerned. Kings Law School was founded a little later than our own, but with very much the same objectives in mind. The law department in the London School of Economics only dates from the end of the nineteenth century, and the other two law schools have been founded more recently.

Our first professor of Jurisprudence, it is interesting to recall, was John Austin, who so profoundly influenced the thinking on jurisprudence from the positive standpoint in the nineteenth century. Incidentally, the records of our college show that he was far from being a gifted lecturer. This is of some significance because in those days the salaries of professors were directly related to attendance; professors had a share of students' fees. Our records show that at his first lecture on jurisprudence, fifteen students attended; at the second, three.

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** Vice-Provost of the College and Head of the Faculty of Laws, University College London.

There is no record of any further lectures. Incidentally, this curious habit of paying professors a small honorarium and a share of student fees lasted surprisingly late. A former colleague of mine, Professor Beasley Fitzgerald, a distinguished oriental lawyer, was paid in this curious way, as far as I remember, until the late 1930's, when he migrated to the then newly established School of Oriental and African Studies. I have always suspected that he was seduced by a flat rate salary instead of the pittance which, in fact, we were paying him.

Our faculty at London Law School, in comparison with the faculties in arts, sciences, and medicine, and with some notable exceptions of which I would claim to be one, is, on the whole, rather young. This I think has some importance from the standpoint of the development of legal education in England. As I have watched, a generation of young law teachers has grown up. These teachers are more critical of the law and its functions in society than their predecessors, wider in outlook, and especially eager to learn from the experience of others, particularly from the experience of the United States, where, incidentally, a considerable number of them have been. To them the law is a living thing, always changing in response to society's needs and always open to discussion and possible improvement. One of the most striking developments of the last few years has been the increasingly closer contact between the judiciary and senior practitioners on one hand and young law professors on the other. In a recent visit to University College, which was in fact one of many, Sir Leslie Scarman, a forward-looking young judge and Chairman of our Law Reform Commission, remarked that he felt quite as much at home in the University Law School as he did in the courts. I don't know how long it will be before we in England follow your excellent example of moving freely from a professorial chair to the judicial bench and back again, but there are certainly marked tendencies toward it. This point is illustrated by the recent appointment to the bench of Mr. Justice Megarry, who was a gifted law teacher as well as a practitioner of very conspicuous ability.

At the present moment a committee under the chairmanship of Lord Justice Ormrod is sitting to consider the future structure of legal education in the United Kingdom. As the inquiry proceeds, I thing it is increasingly evident that the gap between the practitioner and the university law school, which has existed for so long and is due to historical and peculiar reasons, is narrowing and may shortly disappear. Still more recently another factor has been imported into the matter, in that considerable dissatisfaction has been expressed by students of the Inns of Court as well as by students in other places. Furthermore one detects among the benches not only a note of anxiety, but also a certain readiness to relinquish to the law schools responsibilities that have become somewhat onerous.

I have briefly mentioned these changes, which have occurred and are occurring in England, in order to place in perspective the great development which the initiative of Dean Lawless and the statesmanship of Notre Dame University have brought into existence. If the English-speaking peoples are to remain linked, as they must be, and if we are to make the most out of our common law heritage, there must be the freest possible interchange between our law schools and the fullest understanding of our respective teaching methods and aspirations. It is for this reason that the students of Notre Dame are merged with our own

degree students for lectures in tutorial classes. They study together by the use of the same methods and they sit at our normal examinations at the end of the session. At the same time the characteristically American side of what they study is taught by Professor Conrad Kellenberg.

Here I would like to pause for a moment to pay my tribute to Conrad Kellenberg, whose ability and devotion are matched only by his charm and manner. It would be difficult to find a more congenial colleague and I consider that our law faculty is honored that he should be a member of it. Let me also say a word about our Notre Dame students, whom I know well. I estimate that it took them about a month to weigh up the institution in which they found themselves. From this point onward, they identified themselves with it. They have played an important part in the work of our faculty law society. Their presence has been especially welcomed in our program of Moots, where their closer acquaintance with the ways of the courts has shown to great advantage. They have shown a lively intellectual curiosity in the work of the college as a whole. They have even accepted the existence of women teachers and students with, from what I have observed, considerable enthusiasm. At the outset it was whispered to me that they sometimes experienced a certain difficulty in distinguishing one from the other, sometimes with disastrous results, when they appeared in class.

As everyone here knows, these are days when students in universities throughout the world are presented with a whole range of new problems. No one can be confident that the solution is yet in sight. All I would say is that as of this present moment, University College has not experienced any difficulty. We have a long tradition, extending as far back as the 1930's, of cooperation, mutual consultation and help, and have succeeded in introducing student representatives to some of our main committees. We've even moved one step ahead of what the students have formerly asked by opening a series of discussions in all faculties between staff and students through the curricular teaching methods.

As a result, I have found myself discussing problems with students even more freely than before, because I've known that there was more general interest among them, more anxiety to discover solutions than existed in the rather dead inter-war period. This might not last, of course, but at any rate it's the position that now exists.

I would like to be a little more specific about the work which is currently being carried on by our Notre Dame group in London. There are twenty students from Notre Dame in the program, each one taking four subjects regularly offered by the faculty of laws at University College. In addition, each one is working with Professor Kellenberg on the subjects in which comparison between English and American rules is appropriate. From the full range of university subjects offered for the final LL.B., ten subjects in all have been elected by various members of the group. The following is a list of the subjects and those who have elected: Jurisprudence — nineteen; International Law — seventeen; Evidence — sixteen; Business Associations —twelve; Administrative Law — eight; Criminal Law — three; Succession — two; and one each for Trusts, Mercantile Law and English Legal History. In each of these subjects, every student attends

two lectures and one tutorial class per week throughout the entire thirty-week session. Ordinarily, the lecturer and tutor are different persons. This means that a total of eighteen members of the staff of the faculty of the Law College are teaching Notre Dame students.

The Notre Dame students are distributed quite indifferently throughout our tutorial classes, which are broken down into groups of approximately ten members. Unlike the position in the United States, where most of the courses in the second and third years of law studies are taught for one term only, each subject in University College is taught for the full academic year. For Professor Kellenberg, the Notre Dame students are writing papers describing and comparing English and American law. Each student has prepared three papers in one of his subjects during the first term and will prepare three papers on a different subject during the second term. Additionally, each student attends an individual session every two weeks to discuss the written material he has submitted during the preceding period. The amount of work involved per student in preparing, discussing and, when necessary, rewriting these papers, is probably at least the equivalent of carrying a fifth subject. Professor Kellenberg's assignment of these papers has conformed to the organization of the standard American legal textbook in the six fields of law in which the students are writing. Students obtain their English law from their lectures and tutorials, from various books assigned by their English teachers and from research in the faculty of laws library. The University College teachers have also discussed with students their statements of the English law and have drawn their attention to difficult problems which await solutions. The American law is obtained by the students from American textbooks and case books which Professor Kellenberg brought from the United States and from research in the Library of the Institute of Advanced Legal Studies which exists for the use of the more advanced students, many of whom are regularly using American materials. By the end of this session, the full collection of student papers should provide a complete survey of each of the six fields of study of law in which the students are writing: Evidence, Business Associations, Administrative Law, Criminal Procedures, Succession and Trusts. In each of these fields the collective papers will run to about 200 single-spaced pages.

Because of the broad coverage of the materials prepared this year, the comparisons of English and American law tend to be somewhat superficial. They provide a good statement of the English and American rules of law and the differences between them, but they do not give, as yet, much attention to the historical, economical or other factors responsible for those differences. In future years, these areas, we hope, will be covered in greater detail.

In addition to their course work and papers, the Notre Dame students attended a series of eight orientation lectures which I gave at the beginning of the academic year, and which I hope to extend at the next academic year. Of course, they have also completed the reading list of books on English legal institutions, which was distributed to them before they left the United States. Moreover, they have toured the London law courts; they have visited the Inns of Court and have eaten meals there; and, as I have already mentioned, they have argued Moots in the normal course of our college program. At the end of the

year, the grading of the examinations and the papers written for Professor Kellenberg will be done by the teachers giving each course and by an external examiner from another English law school in the ordinary way for our final degree examination. When our Notre Dame students who successfully complete their work leave, they will receive a certificate in English and American Law from the college.

I think you will agree that the students are spending their time profitably, and as far as I can judge, very happily. Now, one brief word for the future. If you will permit me, I would like to look at it for a moment, first, from the standpoint of University College, and secondly, from the standpoint of Notre Dame, and then to suggest what in my opinion might be achieved.

Looking back over my own career, I remember that my first appointment, almost immediately after graduation from Cambridge, was at the University of Hong Kong. I went there by sea and in so doing never stepped off British soil in any port of call. Today the British people are conscious, sometimes overly conscious, that their country is no longer a major power and that the accumulation of overseas territories, which at its peak included over a quarter of the earth's surface and which for nearly two centuries employed our unceasing efforts and the bulk of ablest administrators, has dropped away completely. Consequently, there is a growing mood of frustration, a feeling of confinement to which we have heretofore been strangers, certainly since the reign of Queen Elizabeth I; there is even a hint of xenophobia. It is, therefore, more vital than ever before that our students preserve that breadth of outlook which I believe was once one of our chief characteristics. It is also essential for our law students to realize that they share the common law with the United States, Australia and New Zealand, and that it has exercised a profound influence on the legal systems of India, Pakistan, Ceylon and numerous African states. No teachers of my generation are fully conscious of this need. We have lived most of our professional lives with a worldwide system and it is my hope that this breadth of outlook and this curiosity about other closely linked systems will be transmitted to our successors. It is the common Anglo-American legal heritage which has made us the sort of people we are and which I am convinced will save us from the errors and excesses which in this century have overtaken a number of other nations.

From the standpoint of the United States in general, and from that of Notre Dame in particular, the situation is almost the exact opposite of that which exists in England. No nation in history has been thrust into world power so swiftly as the United States and with so little desire to dominate. Incidentally, one wonders what the Founding Fathers, whose distrust of Europe was profound, would have made of it. Times have changed. In a world in which distance has been annihilated and in which we are already reaching further into space, isolation and limited vision are impossible. A single example, a small one, from the recent history of our faculty will serve as an illustration. Four or five years ago, we established the first chair of Air and Space Law in the common law countries and, as far as I know, in the world. In discussions that preceded that establishment, I was the object of semi-humorous questions from my colleagues in the

arts faculty on the possibilities of law in outer space. I was able to tell them that the problems had already been defined and, further, that a good deal of work had been done on them, principally in Washington. My colleague, Sir Harry Massey, whose work on rocketry at Woomera is probably too well known to need any explanation, firmly told them that the need for the legal regulation of outer space would be urgent within a decade. The very recent brilliant achievement of the American astronauts in their voyage to the moon forcibly emphasizes that Sir Harry Massey's prediction erred, if at all, on the side of caution. To complete this anecdote, I would add that the first occupant of our chair, Professor Cheng, was born in Nationalist China, the son of the last nationalist ambassador to the United Kingdom who was also a judge of the permanent Court of International Justice and a student of University College. Professor Cheng graduated from the Swiss University before undertaking postgraduate work at the College. Obviously, therefore, in this area of legal study at least, the world was by no means the limit.

Now in the United States the legal profession rightly has a foremost and honored status, as much for its social responsibility as for its professional skill. Those who are responsible for educating its entrants are well aware of the need to look broadly at the law and the problems of society that it seeks to solve. To the future, therefore, I look to see this experiment so recently undertaken continued and developed. I would like to see a Notre Dame Center of Legal Studies alongside our faculty in London with our legal education more firmly intertwined than it is at the moment. I would also like to see our own students coming to Notre Dame by way of an exchange program. There are problems here but I think they would yield to patient examination.

May I say very briefly indeed, one last word on a topic which is troubling a lot of us in England at the present moment and which has resulted in a very interesting new development. Since World War II, we have in England accepted enormous sums of money from the state to run our universities. The budget for our universities alone, apart from other institutions of higher education, ran to well over two million sterling for the present year. We were naive or perhaps a little careless about the terms on which we received this money and are getting increasingly worried at the degree and the mode of attempted control which is exercised by the central government, in fact by the Department of Education, not only on what we do, but how we do it. Once again a number of us within these last few months have looked outward to the United States, which so often these days supplies the inspiration for what we wish to do. There is a group, and I think an extremely representative and influential group, including many names which will be well-known to members of this University, which now seeks to establish in England a university independent of state control. There again, the difficulty, because of the finances involved, would be very large. But we are looking for inspiration from those institutions in the United States which are independent, forward looking, and courageous in their policy. And I, who am very proud to belong to this group, feel that in the long run the United States can influence us, and we can bring this new ideal to some kind of fruition.